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HEARTLAND EMPLOYMENT SERVICES, LLC

[Additional Counsel Listed *Infra*]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ELSY GARCIA DE MIRA, individually,  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

HCR MANORCARE; HCR  
MANORCARE MEDICAL SERVICES  
OF FLORIDA, LLC; MANOR CARE,  
INC.; and DOES 1 through 10, inclusive,

Defendants.

Case No. 12-cv-04092 LHK

**CLASS ACTION**

**JOINT CASE MANAGEMENT  
STATEMENT; [~~PROPOSED~~] ORDER**

Date: June 26, 2013  
Time: 2:00 p.m.  
Rm: Courtroom 8, 4th Floor

Complaint Filed: August 3, 2012

1 LAW OFFICE OF SAHAG MAJARIAN II  
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1 On May 7, 2013, the Parties engaged in a full-day mediation. The Parties viewed the  
2 mediation as a success, but reported that they needed more time for completion. As a result, on May  
3 30, 2013, the Court granted the Parties' request to continue the previously-scheduled Case  
4 Management Conference until June 26, 2013. [D.E. 39]

5 The Parties have been working diligently over the past several weeks to finalize the core  
6 terms of the settlement and expect to circulate a settlement agreement and related exhibits soon.  
7 Simultaneously, the Parties are drafting documents for the anticipated motion for preliminary  
8 approval which will include a formal Settlement Agreement, Notice and Motion For Preliminary  
9 Approval, Supporting Declarations, Notice Materials (*e.g.* Class Notice and Claim Form), and  
10 Proposed Order. Additionally, the Parties have been discussing the selection of a third-party  
11 administrator and Defendants will be assembling a complete list of proposed settlement class  
12 members.

13 Given the foregoing and lead defense counsel's pre-planned vacation from July 11 through  
14 21, the Parties anticipate that the completion of the drafting and approval of settlement documents,  
15 as well as the motion for preliminary approval, supporting documents, and related data, will be ready  
16 for filing on or before Friday, August 9, 2013 (less than 25 business days after the currently  
17 scheduled Case Management Conference, excluding lead defense counsel's pre-planned out of state  
18 travel).

19 While the Parties are available to update the Court on June 26, 2013, if so desired, given the  
20 foregoing, the Parties prefer that the Court vacate the current Case Management Conference and  
21 instead simply set a date certain for the filing of preliminary approval papers within the time frame  
22 stated above.

SPIRO MOORE LLP

1 Dated: June 18, 2013

2 By: /s/ Jennifer L. Connor

3 IRA SPIRO

4 JENNIFER L. CONNOR

5 JUSTIN F. MARQUEZ

6 Attorneys for Plaintiff ELSY DE MIRA and the  
7 putative class

8 Dated: June 18, 2013

LITTLER MENDELSON, P.C.

9 By: /s/ Arthur M. Eidelhoch

10 ARTHUR M. EIDELHOCH

11 GALEN M. LICHTENSTEIN

12 Attorneys for Defendant HEARTLAND  
13 EMPLOYMENT SERVICES, LLC

14 **[PROPOSED] ORDER**

15 Based on the foregoing,

16 A. The Parties shall file a Motion For Preliminary Approval, along with supporting  
17 documents, by August 9, 2013 ~~for, by~~ \_\_\_\_\_; AND

18 B. The Case Management Conference, currently calendared for June 26, 2013 is:  
19 ~~VACATED, CONTINUED~~ until August 21, 2013, ~~or REMAINS AS SCHEDULED.~~

20 Dated: June 22, 2013

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22 Honorable Lucy H. Koh  
23 Judge of the United States District Court